

SLN REGISTRATION #SD120002

Explore Registrations

Reg Number: SD120002 Reg. Type: Special Local Need - Section 24c Status: Under Review (07-Aug-2012)
 Name: ROUNDUP VM HERBICIDE <View Registration Details>

(No New Receipts)

S:	Submission Type	OPP Rec'd Date	Resubmission	Description
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- ...Decisions...
- Data Requirements
- D: Pending; 468804; SD120002; 580; FOOD/FEE
- 75-Day Letters
- S: 921515 8/6/2012; New Registration; 524

S: 921515 Reg #: SD120002

Submission Type: New Registration

Resubmission?: ☐ Yes ☒ No

E-Sub #:

Decision #: 468804; 580; FOOD/FEE USE;

Submitter Company: MONSANTO COMPANY

Application Date: 30-Jul-2012

OPP Received Date: 06-Aug-2012

Date Sent to Risk manager: 07-Aug-2012

Studies Included?: ☐ Yes ☒ No

Fast Track?: ☐ Yes ☒ No

Form A Signed?: ☐ Yes ☐ No ☒ None

Date:

Form B Signed?: ☐ Yes ☐ No ☒ None

Date:

Reviewer: Rate, Debra

Received DT: 07-Aug-2012

Editable Due DT:

Submission Due DT: 04-Nov-2012

Response: 0, 06-Aug-2012

Priority Weight:

Priority Points:

Comments: Flax / Weeds / Preharvest Application

1. ~~Expired~~
 2. ~~Current to be used~~
 don't support use
 rate.
 3. ~~Section 24c~~
 progress

Registration Details

Company: 524 MONSANTO COMPANY

Risk Mgr: RM 09 Section 18, Registration Division, Risk Management Team 9 ...

Organization: RD / RIMUERB ...

Current Status: Under Review (07-Aug-2012)

Reg. Number: SD120002 Pesticide Type: Conventional Chemical High Exposure? ☐

Feed Use: ☐ Yes ☒ No WPS Written Notification: ☐ Yes ☒ No No Ingredient? ☐

New Use: ☐ Yes ☒ No

Latest Approved Label:

Nature Of Need: There is no EPA-registered pesticide product which, under the conc

Formulation Property Receipts Restricted Use Reg. Expiration Date

Related Section 3 Products Transfer History Toxicology Mode Of Action FR Notice

Product Name Ingredient Pesticide Category Application Reason Use Patterns

Product Name	Name Status
ROUNDUP VM HERBICIDE	Full Text Active

WPS-PPE

Label Image

Container Info

Tracking

Status

Sites/Pests

CSF

Data Requirements

Inert Ingredients



Agency Review: SLN# SD120002

Debra Rate to: brad.berven

Cc: Suzanne Stevenson, Tawanda Maignan, Luis Suguiyama

11/20/2012 01:30 PM

Hi, Brad-

Thank you for your thoughtful consideration of Agency notice (dated 11/01/2012). We have reviewed your submitted letter and label amendment for SLN# SD120002 and attached the review below.

Please let me know if you have any questions or concerns regarding the correspondence.

Thank you.
Debra



SD120002.pdf

Debra Rate, PhD
U.S. Environmental Protection Agency
Office of Pesticide Programs
Registration Division
RIMUERB/Emergency Response Team
Phone: 703-306-0309
7505P



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Brad Berven, Administrator
Office of Agronomy Services
South Dakota Department of Agriculture
523 East Capitol Avenue
Pierre, SD 57501

NOV 20 2012

re: EPA SLN # SD120002 Label amendment for the preharvest use of glyphosate on flax to reduce weeds and aid harvest.
Date received: 11/15/2012
receipt acknowledged

Dear Mr. Berven:

This letter acknowledges receipt of the above notification of a Special Local Need registration pursuant to section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. This label amendment to SLN# SD120002 will allow for the preharvest application of RT 3™ Powered by Roundup Technology Herbicide (EPA Reg. No. 524-544) on flax to aid harvest in the state of South Dakota at a rate (1.0 lb/A/year) equivalent to the rate used to set the current tolerances.

SLN #: SD120002
parent product: RT 3™ Powered by Roundup Technology Herbicide
EPA Reg. #: 524-544

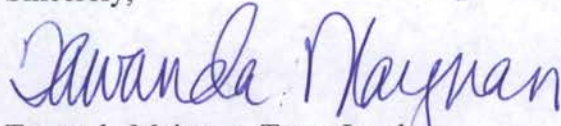
24(c) registrant: Monsanto Company
800 N. Lindbergh
St. Louis, MO 63301

active ingredient: Glyphosate
site: Flax
pest: Weed reduction/harvest aid
date registered: 07/30/2012
expiration date: 07/31/2014

The Agency has completed a review of the requested use and has concluded that the state registration is acceptable. As stated in the Agency Notice (dated 11/01/2012), the Agency anticipates that new tolerances will be established for all oilseed crops for use as a harvest aid in conjunction with a Section 3 registration. Upon completion of the Section 3 registration, please review the newly registered use pattern to determine if it will adequately address your special local need. If it does, we would request that South Dakota voluntarily cancel this current SLN registration. However, if the use does not meet the needs of your state, please feel free to submit

another or revised SLN registration with an adequate use pattern. However, be advised that a change in use pattern will require a science review and will need to be submitted in advance of the needed use season. If you have any questions regarding this letter, please contact Debra Rate at (703) 306-0309 or rate.debra@epa.gov.

Sincerely,



Tawanda Maignan, Team Leader
Emergency Response Team
Risk Integration, Minor Use and Emergency Response
Branch
Registration Division (7505P)
Office of Pesticide Programs

Cc: EPA Region 8
Suzanne Stevenson



Notice of Intent Disapprove 24(c) SD-120002

Berven, Brad

to:

Debra Rate

11/15/2012 04:54 PM

Hide Details

From: "Berven, Brad" <Brad.Berven@state.sd.us>

To: Debra Rate/DC/USEPA/US@EPA

1 Attachment



Scan_Doc0354.pdf

Ms. Rate,

Attached please find our response to your notice. As you can see, we would like to keep this 24(c).

Thank You,

Brad Berven



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF AGRICULTURAL SERVICES

523 E. Capitol Avenue

Pierre, SD 57501

Phone: 605-773-3724 / Fax: 605-773-3481

<http://sdda.sd.gov/divisions/#agServices>

November 15, 2012

Debra Rate
Emergency Response Team
Risk Integration, Minor Use and
Emergency Response Branch
Registration Division (7505P)
Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-001

RE: Response to Notice of Intent to Disapprove SD120002

Dear Debra,

We received your letter concerning the disapproval of the Section 24 c SD120002 Pre-Harvest application of RT3 on Flax in South Dakota. We would like to continue the Section 24c until its expiration in June of 2014 with the use rate of 1 quart per acre. The previous SLN label use rate was 1.4 quarts of RT3 per acre. The new RT3 label from Monsanto is enclosed for your review.

Sincerely,

Brad Berven, Administrator
Office of Agronomy Services

Enc.

SPECIAL LOCAL NEED REGISTRATION FOR SOUTH DAKOTA ONLY

READ THE ENTIRE LABEL FOR RT3 POWERED BY ROUNDUP TECHNOLOGY HERBICIDE BEFORE PROCEEDING WITH THE USE DIRECTIONS CONTAINED IN THIS SUPPLEMENTAL LABELING.

When using RT3 Powered by Roundup Technology Herbicide as permitted according to this supplemental labeling, read and follow all applicable directions, restrictions, and precautions on the label booklet provided with the pesticide container and on this supplemental labeling. This supplemental labeling must be in the possession of the user at the time of pesticide application.

RT3[®] Powered by Roundup Technology[®] Herbicide

EPA Reg. No. 524-544

RT3 is a registered trademark of Monsanto Technology LLC

PREHARVEST APPLICATION IN FLAX IN THE STATE OF SOUTH DAKOTA

Keep out of reach of children

CAUTION!

In case of an emergency involving this product, call collect, day or night, 314-694-4000

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling.

This labeling must be in the possession of the user at the time of herbicide application.

AVOID CONTACT OF THIS HERBICIDE WITH FOLIAGE, GREEN STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, AS SEVERE INJURY OR DESTRUCTION COULD RESULT.

See the "GENERAL INFORMATION" and "MIXING" sections of the RT3 Powered by Roundup Technology Herbicide label booklet for important product information.

USE INSTRUCTIONS: Up to 32 fluid ounces of this product may be applied in 3 to 20 gallons of water per acre over the top of flax to control weeds listed on the label for RT3 Powered by Roundup Technology Herbicide prior to harvest when grain moisture is 30 percent or less. Approximately 80

percent of the seed should show a color change at this stage.

PRECAUTIONS: For best weed control, wait 7 and 14 days between application of this product and harvest.

RESTRICTIONS: Allow minimum of 7 days between application and harvest or grazing. Only one preharvest application may be made per year. Allow a minimum of 30 days between application of this product and the planting of any crop not listed on the RT3 Powered by Roundup Technology Herbicide label.

Read the "Limit of Warranty and Liability" in the label booklet for RT3 Powered by Roundup Technology Herbicide before using. These terms apply to use directions. If these terms are not acceptable, return the product unopened at once.

© 2012 MONSANTO COMPANY
ST. LOUIS, MISSOURI 63167

SLN - SD120002

This label expires on July 31, 2014

[print plate number]



RE: SLN SD120002
Berven, Brad
to:
Debra Rate
11/02/2012 01:17 PM
Hide Details
From: "Berven, Brad" <Brad.Berven@state.sd.us>

To: Debra Rate/DC/USEPA/US@EPA

Thank you, we will submitting our rebuttal.
Thank You,
Brad Berven

From: Rate.Debra@epamail.epa.gov [<mailto:Rate.Debra@epamail.epa.gov>]
Sent: Thursday, November 01, 2012 3:46 PM
To: Berven, Brad
Cc: Maignan.Tawanda@epamail.epa.gov; Suguiyama.Luis@epamail.epa.gov
Subject: SLN SD120002

Mr. Berven-

Attached below is a letter outlining the action that we feel necessary to address the SLN registration SD120002.
Please feel free to contract myself or Tawanda as needed concerning the correspondence.

Thank you.
Debra

(See attached file: SD120002 Notice.pdf)

Debra Rate, PhD
U.S. Environmental Protection Agency
Office of Pesticide Programs
Registration Division
RIMUERB/Emergency Response Team
Phone: 703-306-0309
7505P



SD-120002
Berven, Brad

to:

Debra Rate

11/13/2012 02:50 PM

Hide Details

From: "Berven, Brad" <Brad.Berven@state.sd.us>

To: Debra Rate/DC/USEPA/US@EPA

History: This message has been replied to.

Ms. Rate;

We are working on comments regarding your proposed action on SD-120002 and will have them to you soon.

Thank You,

Brad Berven



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Brad Berven, Administrator
Office of Agronomy Services
South Dakota Department of Agriculture
523 East Capitol Avenue
Pierre, SD 57501

NOV 01 2012

**Subject: Notice of Intent to Disapprove 24(c) Special Local Need (SLN) Registration
RT 3 Herbicide (EPA Reg. No. 524-544)
SLN No. SD-120002**

Dear Mr. Berven:

The South Dakota Department of Agriculture issued a State Registration, SLN No. SD120002, on July 30, 2012 under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to Monsanto Company. This registration was issued for a preharvest application of glyphosate (RT 3 Herbicide; EPA Reg. No. 524-544) on flax to control weeds and as a harvest aid.

Decision:

The Agency concludes that SLN SD120002 may be disapproved for the reasons provided below. If the state can satisfy the Agency's concerns set forth below, this notification may be withdrawn. Therefore, you should take steps to consult with the Agency designee identified below and respond to this notice.

Reasons for Disapproval:

Agency review has concluded that data must be provided to support the requested Section 24(c) SLN registration that would allow for the preharvest use of glyphosate on flax. This data is needed to confirm that current glyphosate tolerances for flax, seed (4.0 ppm) and flax, meal (8.0 ppm) will not be exceeded when used according to the Section 24(c) SLN label. Additional details are provided below:

- Current tolerances for flax, seed and flax, meal were established using residue data collected for a preharvest use of RT 3 Herbicide (EPA Reg. No. 524-544) at a rate of 1 quart product/A (0.75 lbs ai/A). The Section 24(c) SLN registration has a labeled use rate of 1.4 quarts product/A (1.1 lbs ai/A).
- Tolerances for a preharvest use pattern on sunflower and safflower at use rates of 0.52 lb ai/A and 1.5 lbs ai/A, respectively, were established at 85 ppm.
- A section 3 tolerance petition for a preharvest use pattern on oilseeds has been submitted to the Agency and tolerances of 40 ppm are recommended to support the preharvest use on oilseeds.

Response

You should respond to the deficiencies described above within ten business days of receipt of this notice. You may also request a consultation with the Agency prior to a final disapproval decision. Failure to respond in a timely and adequate manner may result in disapproval of this SLN registration.

If you have any questions concerning this letter, please contact Debra Rate at 703-306-0309 or rate.debra@epa.gov.

Sincerely,



Tawanda Maignan, Team Leader
Emergency Response Team
Risk Integration, Minor Use and
Emergency Response Branch
Registration Division (7505P)
Office of Pesticide Programs



RE: Question on SLN# SD120002?

Berven, Brad

to:

Debra Rate

10/30/2012 12:50 PM

Hide Details

From: "Berven, Brad" <Brad.Berven@state.sd.us>

To: Debra Rate/DC/USEPA/US@EPA

Ms. Rate,

To answer your questions, we are not aware of any tolerance issues, but we have not done any specific sampling.

The harvest is complete and the use season for this use in 2012 is over.

Please let me know if you require additional information.

Thank You,

Brad Berven

From: Rate.Debra@epamail.epa.gov [<mailto:Rate.Debra@epamail.epa.gov>]

Sent: Friday, October 26, 2012 11:45 AM

To: Berven, Brad

Subject: Fw: Question on SLN# SD120002?

Hi, Brad-

I'm following up on an email question that I sent a few weeks ago.

Part of the reason for my initial question stems from when this use pattern was put on the Section 3 label for sunflower and safflower these tolerances were reassessed and raised from something like 0.2 ppm to 85 ppm. And unless I've misunderstood your submission, you are asking for a use rate that is greater than (i.e. 44 oz vs. 32 oz) that which was used to determine the original Flax seed tolerance (4 ppm). I see that SLN SD120002 has a lower use rate than the expired SLN SD060006 (64 oz). However, I assume that the tolerance was not exceeded from the past uses under SLN?

I believe that there is a Section 3 petition that is currently being evaluated by our science divisions and they will be setting new tolerances for the oilseed crop group, but they will not be completed

until some time next year.

That leads back to my question on whether this SLN has already been used this season, or is currently being used? This information will help me in deciding what actions may need to be taken. Please let me know.

Thank you.

Debra

Debra Rate, PhD
U.S. Environmental Protection Agency
Office of Pesticide Programs
Registration Division
RIMUERB/Emergency Response Team
Phone: 703-306-0309
7505P

-----Forwarded by Debra Rate/DC/USEPA/US on 10/26/2012 11:30AM -----

To: brad.berven@state.sd.us
From: Debra Rate/DC/USEPA/US
Date: 10/09/2012 10:05AM
Subject: Question on SLN# SD120002?

Hi, Brad-

I wasn't sure if I should be contacting you or Kevin Fridley with questions about 24(c) SLNs that have been submitted. So please pass this question along to Kevin if needed.

I am reviewing your SLN# SD120002 for review and have a preliminary question about when (day and month) this SLN would be used for the 2012 season?

Thank you.
Debra

Debra Rate, PhD
U.S. Environmental Protection Agency
Office of Pesticide Programs
Registration Division
RIMUERB/Emergency Response Team
Phone: 703-306-0309
7505P



Question on SLN# SD120002?

Debra Rate to: brad.berven

10/09/2012 10:05 AM

Hi, Brad-

I wasn't sure if I should be contacting you or Kevin Fridley with questions about 24(c) SLNs that have been submitted. So please pass this question along to Kevin if needed.

I am reviewing your SLN# SD120002 for review and have a preliminary question about when (day and month) this SLN would be used for the 2012 season?

Thank you.

Debra

Debra Rate, PhD
U.S. Environmental Protection Agency
Office of Pesticide Programs
Registration Division
RIMUERB/Emergency Response Team
Phone: 703-306-0309
7505P

Brad Berven
605-773-4432
brad.berven@state.sd.us



Re: Fw: 24c SLN question? 

Thomas Bloem to: Debra Rate

Cc: David Hrdy

09/18/2012 07:45 AM

History: This message has been replied to.

Debra - I'm unsure of the timing. Do they want to use the flax harvest aid use for this year; if so, then you may want to increase flax seed tolerance to 40 ppm (delete the flax meal tolerance). This tolerance will then be deleted as part of establishment of the current Section 3 registration as the RA will indicate that all currently established oilseed tolerances should be deleted in favor of the crop group tolerance. If they want this use for next year, then have them withdraw it until the tolerances associated with the current Section 3 Registration are established; or you could wait to make a decision until the Section 3 tolerances are established.

Tom

Debra Rate

Hi, Tom- I just got your response on the glyphos...

09/17/2012 08:46:44 AM

From: Debra Rate/DC/USEPA/US
To: Thomas Bloem/DC/USEPA/US@EPA
Date: 09/17/2012 08:46 AM
Subject: Fw: 24c SLN question?

Hi, Tom-

I just got your response on the glyphosate 24(c) use on flax question from David this morning. If I have understood your response, it sounds like we need to have the state withdraw this registration and wait until the higher (40 ppm) tolerances associated with petition 2E7979 are established. Is that correct?

Please let me know. Thank you.
Debra

----- Forwarded by Debra Rate/DC/USEPA/US on 09/17/2012 08:41 AM -----

From: David Hrdy/DC/USEPA/US
To: Debra Rate/DC/USEPA/US@EPA
Date: 09/14/2012 04:24 PM
Subject: Fw: 24c SLN question?

Hi Debra,
Here is what my chemist on glyphosate thinks.
Hrdy
><(((0>...><(((0> ><(((0>...><(((0>...

David E. Hrdy
Acting Branch Chief
RAB1/HED/OPP/OCSP
US EPA www.epa.gov/pesticides
Mailcode 7509P
Telephone: 703.305.6990
Fax: 703.305.5147
OFFICE 10761 Potomac Yard 1 (South)
ad astra per aspera

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----- Forwarded by David Hrdy/DC/USEPA/US on 09/14/2012 04:24 PM -----

From: Thomas Bloem/DC/USEPA/US  
To: David Hrdy/DC/USEPA/US@EPA  
Date: 09/13/2012 02:57 PM  
Subject: Re: Fw: 24c SLN question?

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David - Part of the glyphosate action I am currently working on concerns permitting the harvest-aid application of glyphosate to all oilseeds crops (2E7979; harvest aid application at 1.12 lb ae/acre). We will be recommending for this request and establishing a 40 ppm oilseed crop group tolerance (flax seed and flax meal tolerances will be deleted).

Assuming proportionality and that the current flax seed and meal tolerances of 4 ppm and 8 ppm, respectively are based on field trial data conducted at 0.75 lb ai/acre, increasing the preharvest-aid application rate to 1.5 lb ai/acre should result in residues well within the 40 ppm tolerance that will be established once the current action has been finalized.

Tom

David Hrdy

What do you think Tom? Hrdy

09/13/2012 10:42:51 AM



## SPECIAL LOCAL NEEDS REGISTRATION FOR SOUTH DAKOTA ONLY

READ THE ENTIRE LABEL FOR RT 3 HERBICIDE BEFORE PROCEEDING WITH THE USE DIRECTIONS CONTAINED IN THIS SUPPLEMENTAL LABELING. FOLLOW ALL DIRECTIONS, RESTRICTIONS, WORKER PROTECTION STANDARD REQUIREMENTS, AND PRECAUTIONS ON THE EPA REGISTERED LABEL.

"Label" as used in this supplemental labeling refers to the label booklet for RT 3 herbicide and this supplement.



EPA Reg. No. 524-544  
SLN SD-060006

RT 3 is a trademark of Monsanto Technology LLC.

### FOR PREHARVEST APPLICATION IN FLAX IN THE STATE OF SOUTH DAKOTA

Keep out of reach of children.

## CAUTION!

In case of emergency involving this product, Call Collect, day or night, 314-694-4000.

#### DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with the labeling. This label must be in the possession of the user at the time of the herbicide application.

AVOID CONTACT OF HERBICIDE WITH FOLIAGE, GREEN STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, BECAUSE SEVERE INJURY OR DESTRUCTION MAY RESULT.

See "GENERAL INFORMATION", "MIXING", "ADDITIVES" and "APPLICATION EQUIPMENT AND TECHNIQUES" sections of the label booklet for RT 3 herbicide for essential product performance information.

#### RECOMMENDATIONS

This product may be applied as a spot treatment or a broadcast application to mature flax infested with Canada thistle or perennial sowthistle.

**USE INSTRUCTIONS:** This product may be applied as an over-the-top broadcast spray to control labeled weeds prior to the harvest of flax. Apply between 22 fluid ounces and 2 quarts in 3 to 20 gallons of water per acre when the crop is physiologically mature and nearly ready to harvest. Apply when the crop is 30 percent or less grain moisture; approximately 80 percent of the seed should show a color change at this stage.

Either ground broadcast or aerial applications may be made. A 1.5 percent solution can be used when using hand-held or backpack sprayers.

**PRECAUTIONS, RESTRICTIONS:** Apply at least 7 days before harvest. Greater efficacy against perennial weeds may be achieved if a period of 10 to 14 days is allowed between treatment and crop harvest. Only one application per year



may be made. Employ at least a 30-day plant-back interval between treatment and replanting for any crop not listed in the RT 3 herbicide label. Do not apply this product through any type of irrigation system. Do not apply directly to water, to areas where surface water is present, or to intertidal areas below the mean high water mark. Do not contaminate water when cleaning equipment or disposing of equipment wash waters.

All other applicable instructions, restrictions, and precautions on the label booklet for this product must be followed, including the restricted reentry interval (REI) of 4 hours. Applicators and other handlers of this product for this use must wear the following personal protective equipment: long-sleeved shirt, long pants, shoes, socks, and chemical-resistant gloves made of any waterproof material, such as polyethylene or polyvinyl chloride.

Spray coverage should be uniform and complete, but do not spray weed foliage to the point of runoff. Do not apply when heavy rainfall is anticipated, or when irrigation is scheduled soon after application. To minimize drift, use nozzles that emit medium- to large-sized droplets. The likelihood of drift occurring from the use of this product increases when winds are gusty, as wind velocity

increases, when wind direction is constantly changing, or when there are other meteorological conditions that favor spray drift. Extreme care must be used when applying this product to avoid injury to desirable plants and crops.

**Read "LIMIT OF WARRANTY AND LIABILITY" in the label booklet for RT 3 herbicide before using this product. Those terms apply to this supplemental labeling and, if those terms are not acceptable, return the product unopened at once.**

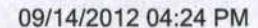
Special Local Needs Registration Number: SD-060006

© 2006 MONSANTO COMPANY  
ST. LOUIS, MISSOURI 63167

63018E1-10

4/12/2006





number 398547-PA  
 - 398863 deem  
 - 398862 ore  
 - 398861 chem

David E. Hrdy  
Acting Branch Chief



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From: Debra Rate/DC/USEPA/US  
To: David Hrdy/DC/USEPA/US@EPA  
Date: 09/13/2012 09:32 AM  
Subject: 24c SLN question?

Debra Rate, PhD  
U.S. Environmental Protection Agency  
Office of Pesticide Programs  
Registration Division  
RIMUERB/ARIA  
Phone: 703-306-0309  
7505P



## 24(C) CHECKLIST

STATE: SOUTH DAKOTASLN NO. SD 060006DATE REGISTERED: 04-12-0690-DAY DATE: 07-24-06 \*\*

SPECIFIC SPECIAL LOCAL NEED: \_\_\_\_\_

SITE: \_\_\_\_\_

PEST/PROBLEM: \_\_\_\_\_

1. Is the State certified to issue this type of registration? \_\_\_\_\_
2. Was the EPA Application/Notification Form submitted? yes
3. Was all the required information included on the form? yes
4. Was a confidential formula submitted (for new products)? NA
5. Is this registration for a "CHANGED USE PATTERN"? No
6. Has an FR document been prepared for this "CHANGED USE PATTERN"? \_\_\_\_\_
7. Tolerances required? yes Established? yes Citation: 40 CFR 180.364(a)
8. Full labeling being used? No Supplemental directions? yes
9. Does label state "FOR DISTRIBUTION AND USE ONLY WITHIN (State)"? \_\_\_\_\_
10. Does full label comply with 40 CFR 162.10, as follows:
- a. Product name, brand or trademark? \_\_\_\_\_
  - b. Name and address of registrant? \_\_\_\_\_
  - c. Net contents? \_\_\_\_\_
  - d. Product registration number? \_\_\_\_\_
  - e. Producing establishment number? \_\_\_\_\_
  - f. Ingredient statement? \_\_\_\_\_
  - g. Precautionary labeling? \_\_\_\_\_
  - h. Directions for use for special local need? \_\_\_\_\_
  - i. Use classification? \_\_\_\_\_

Was proper format followed? \_\_\_\_\_

11. Is supplemental directions for use labeling satisfactory? yes, see comments
12. Was supplemental labeling compared with EPA-registered label? yes

COMMENTS: Similar to product reviewed by Erik Kraft. This product 524-544 is 48.8% ai, 524-539 is 48.7% ai, & application rates are the same.



24C- SD040009

I have reviewed the application of State registration of RT Master II Herbicide for spot treatment or broadcast application to mature flax infested with Canada thistle or perennial sowthistle in all counties of South Dakota. I have not found any need for disapproval. The method of application, application rate, number of applications per year, interval between applications, preharvest interval, etc. are the same for similar oil seed crops such as Canola. Also the new use, treatment to flax, will not pose a threat to T&Es due to rangeland and CRP land being treated in South Dakota. Since this is a food/feed use a tolerance of flax seed 4ppm and flax meal 8 ppm has been established in 40 CFR 180.364.

-Erik Kraft



medicinal/nutraceutical plants). For orchard type crops, the instructions allow preplant (site preparation), strips (in row), chemical mowing (growth suppression), and middles (between rows). The directions emphasize that extreme care must be taken to ensure no part of the tree is contacted by herbicide solution, spray drift, or mist. For other food crops, the instructions allow chemical fallow, preplant fallow beds, preplant, preemergence, post-directed hooded, and postharvest applications. Preplant applications must be made at least 3 days prior to transplanting. The preemergence application must be made prior to the emergence of the crop. Post-directed hooded applications are applied to mulched or unmulched row middles after crop establishment and must be made at least 14 days prior to harvest. Postharvest applications may be applied after the final harvest to control weeds or suppress regrowth of annual crops or for renovation of biennial or perennial crops beds, and must be made at least 14 days prior to planting the next crop. Treated vegetation may not be harvested or fed to animals.

Application rates are dependent on the weeds to be controlled, and range from 0.37 to 5 quarts of Roundup Ultra per acre per year (0.28 to 3.75 lbs acid equivalents of glyphosate acid per acre per year).

#### *Flax*

Monsanto Company submitted supplemental labeling for preharvest application of Roundup Ultra to flax under Section 18 emergency exemption to expire 01-OCT-2000. Apply up to 1 quart (0.75 lb ae/A) in 3 to 20 gallons of water per acre when the crop is physiologically mature and nearly ready to harvest. Apply when the crop is 30% or less grain moisture. Either ground broadcast or aerial applications may be made. A 2% solution can be used when using hand-held or backpack sprayers.

Allow at least 7 days before harvest. Only one application per year may be made. Employ at least a 30-day plant-back interval between treatment and replanting for any crop not listed in the Roundup Ultra herbicide label.

**Conclusion:** The proposed uses of glyphosate are adequately described. However, there is a 30-day plant-back interval (PBI) for crops on which the use of glyphosate is not registered. Thus the statement that "There are no rotational crop restrictions following applications of this product", should be replaced with the 30-day PBI restriction on the supplemental label for corn. A revised Section B should be submitted.

## **4.2. Dietary Exposure**

### **4.2.1. Food Exposure**

Residue chemistry data pertaining to the proposed uses of glyphosate were submitted and reviewed by HED (D262424, W. Donovan, 18-JAN-2000; D256740, W. Donovan, 09-JUN-2000; D256742, W. Donovan, 23-JUN-2000; D245594, W. Donovan, 29-JUN-2000).

### **Nature of the Residue - Plants**



| RAC              | Translation crop(s)        | Translation crop tolerance (ppm) | Proposed tolerance (ppm) |
|------------------|----------------------------|----------------------------------|--------------------------|
| salal            | berry group                | 0.2                              | 0.2                      |
| kenaf, forage    | nongrass animal feed group | 200                              | 200                      |
| leucaena, forage | nongrass animal feed group | 200                              | 200                      |
| okra             | cucurbit vegetables        | 0.5                              | 0.5                      |
| quinoa, grain    | wheat grain                | 5.0                              | 5.0                      |
| teff, grain      | wheat grain                | 5.0                              | 5.0                      |

\* Pistachio already has a tolerance of 0.2 ppm for glyphosate residues. The current proposal to increase this level to 1.0 ppm is intended to harmonize the pistachio tolerance with that of the tree nut crop group.

**Based on the lack of toxicity concerns and the similarity of use patterns, HED recommends for establishment of the tolerances listed in Tables 5 and 6.**

#### *Flax*

In support of a Section 18 emergency exemption from the state of North Dakota (ID # 00ND0025), the Interregional Research Project No. 4 (IR-4) submitted the results of seven flax field trials conducted in North Dakota and South Dakota. The maximum glyphosate residue in these field trials was 3.5 ppm; thus, the appropriate glyphosate tolerance level for "flax, seed" is 4.0 ppm. IR-4 indicated that additional flax field trials are in progress. Once these results are available, the flax tolerance levels will be adjusted as necessary.

#### **Processed Food**

##### *Flax*

In support of a Section 18 emergency exemption from the state of North Dakota (ID # 00ND0025), IR-4 submitted the results of one flax processing study. Glyphosate residues in flax meal and oil were 7.1 and <0.05 ppm, respectively, when processed from flax seed with a residue level of 3.5 ppm. Based on this study, the glyphosate flax meal concentration factor is 2.0. The product of the concentration factor and the highest average field trial (HAFT) for flax seed gives a glyphosate level of 7.1 ppm in flax meal. Thus, the appropriate tolerance level for "flax, meal" is 8.0 ppm, while no tolerance is needed for "flax, oil".

#### **Meat, Milk, Poultry, and Eggs**

Because of the many potential feed items for which glyphosate tolerances are established, glyphosate reviews have made use of more realistic livestock diets to estimate dietary burdens (D201255, M.I. Rodriguez, 12-JAN-1995; and D238398, J. Garbus and T. Morton, 18-SEP-1998). Most recently, dietary burdens of 210 and 220 ppm were estimated for dairy and beef cattle, respectively; and of 65 and 74 ppm for swine and poultry, respectively (D256740, W.



## 24(C) CHECKLIST

STATE: SOUTH DAKOTA

SLN NO. \_\_\_\_\_

SD120002DATE REGISTERED: 07-30-2012

90-DAY DATE: \_\_\_\_\_

10-30-2012

SPECIFIC SPECIAL LOCAL NEED: \_\_\_\_\_

SITE: \_\_\_\_\_

PEST/PROBLEM: \_\_\_\_\_

1. Is the State certified to issue this type of registration? \_\_\_\_\_
2. Was the EPA Application/Notification Form submitted? \_\_\_\_\_
3. Was all the required information included on the form? \_\_\_\_\_
4. Was a confidential formula submitted (for new products)? \_\_\_\_\_
5. Is this registration for a "CHANGED USE PATTERN"? \_\_\_\_\_
6. Has an FR document been prepared for this "CHANGED USE PATTERN"? \_\_\_\_\_
7. Tolerances required? \_\_\_\_\_ Established? \_\_\_\_\_ Citation: \_\_\_\_\_
8. Full labeling being used? \_\_\_\_\_ Supplemental directions? \_\_\_\_\_
9. Does label state "FOR DISTRIBUTION AND USE ONLY WITHIN (State)"? \_\_\_\_\_
10. Does full label comply with 40 CFR 162.10, as follows:

- a. Product name, brand or trademark? \_\_\_\_\_
- b. Name and address of registrant? \_\_\_\_\_
- c. Net contents? \_\_\_\_\_
- d. Product registration number? \_\_\_\_\_
- e. Producing establishment number? \_\_\_\_\_
- f. Ingredient statement? \_\_\_\_\_
- g. Precautionary labeling? \_\_\_\_\_
- h. Directions for use for special local need? \_\_\_\_\_
- i. Use classification? \_\_\_\_\_

Was proper format followed? \_\_\_\_\_

11. Is supplemental directions for use labeling satisfactory? \_\_\_\_\_
12. Was supplemental labeling compared with EPA-registered label? \_\_\_\_\_

COMMENTS: \_\_\_\_\_



1. SLN No. SD120002 2. PM 09 3. Action Code \_\_\_\_\_

4. State Issue Date

|   |   |   |   |   |   |
|---|---|---|---|---|---|
| 0 | 7 | 3 | 0 | 1 | 2 |
|---|---|---|---|---|---|

5. Date Received by EPA

|   |   |   |   |   |   |
|---|---|---|---|---|---|
| 0 | 8 | 0 | 6 | 1 | 2 |
|---|---|---|---|---|---|

6. Date Received by PM

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|--|--|--|--|--|--|

7. Chemical Name \_\_\_\_\_

8. Chemical Code \_\_\_\_\_

9. Use \_\_\_\_\_

10. Reviews requested:

|            | Date Sent | Date Due | Date Returned | Response Code | Response Date |
|------------|-----------|----------|---------------|---------------|---------------|
| HED        |           |          |               |               |               |
| EFB        |           |          |               |               |               |
| RCB        |           |          |               |               |               |
| EEB        |           |          |               |               |               |
| TB         |           |          |               |               |               |
| RD         |           |          |               |               |               |
| S          |           |          |               |               |               |
| Precaution |           |          |               |               |               |
| Labeling   |           |          |               |               |               |
| Chemistry  |           |          |               |               |               |
| Efficacy   |           |          |               |               |               |
|            |           |          |               |               |               |
|            |           |          |               |               |               |
|            |           |          |               |               |               |
|            |           |          |               |               |               |
|            |           |          |               |               |               |

11. Status \_\_\_\_\_

12. Final Action: Response Code \_\_\_\_\_

Response Date

|  |  |  |  |  |  |
|--|--|--|--|--|--|
|  |  |  |  |  |  |
|--|--|--|--|--|--|





United States Environmental Protection Agency  
Office of Pesticide Programs, Registration Division (7505C)  
Washington, DC 20460

# Application for/Notification of State Registration of a Pesticide To Meet a Special Local Need

(Pursuant to section 24(c) of the Federal Insecticide,  
Fungicide, and Rodenticide Act, as Amended)

For State Use Only

Registration No. Assigned  
SD120002

Date Registration Issued

July 30, 2012

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------|
| 1. Name and Address of Applicant for Registration<br><br>Monsanto Company<br>800 N. Lindbergh<br>St. Louis, MO 63301<br><br>25/09                                                                                                                                                                                                                                                                                                                                                                                                                      |  | 2. Product is (Check one)<br>EPA-Registered <input checked="" type="checkbox"/><br>New (not EPA-Registered) <input type="checkbox"/> Attach EPA Form 8570-4, Confidential Statement of Formula for new products.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | EPA Registration Number<br>524-544<br>EPA Company Number<br>524 |
| 4. Product Name<br><br>RT 3 Herbicide                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | 3. Active Ingredient(s) in Product<br>Glyphosate                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                                 |
| 6. Type of Registration (Give details in item 13 or on a separate page, properly identified and attached to this form):<br>a. To permit use of a new product.<br>X b. To amend EPA registrations for one or more of the following purposes:<br>(1) To permit use on additional crops or animals.<br>(2) To permit use at additional sites.<br>(3) To permit use against additional pests.<br>(4) To permit use of additional application techniques or equipment.<br>(5) To permit use at different application rates.<br>X (6) Other (specify below). |  | 5. If this is a food/feed use, a tolerance or other residue clearance is required. Cite appropriate regulations in 40 CFR part 180, 185 and/or 186.<br>40 CFR § 180.364 (a) flax =4 ppm; flax meal=8 ppm. Residue data trials were conducted in Dakotas.<br>7. Nature of Special Local Need (check one)<br><input type="checkbox"/> There is no pesticide product registered by EPA for such use.<br><input checked="" type="checkbox"/> There is no EPA-registered pesticide product which, under the conditions of use within the State, would be as safe and/or as efficacious for such use within the terms and conditions of EPA registration.<br><input type="checkbox"/> An appropriate EPA-registered product is not available.                                                                                                                                                                                                                                                                                                                                                      |  |                                                                 |
| 10. Has FIFRA Section 24(c) registration for this use of the product ever, by another State, been (check appropriate box(es), if known):<br><input type="checkbox"/> Sought <input type="checkbox"/> Issued <input type="checkbox"/> Denied <input type="checkbox"/> Revoked<br>If any of the above are checked, list States in item 13 below.<br><input checked="" type="checkbox"/> No FIFRA section 24(c) Action                                                                                                                                    |  | 8. If this registration is an amendment to an EPA-registered product, is it for a "new use" as defined in 40 CFR 152.3?<br><input type="checkbox"/> Yes (discuss in item 13 below) <input checked="" type="checkbox"/> No<br>9. Has an EPA Registration or Experimental Use Permit for this chemical ever been (check applicable box(es), if known):<br><input type="checkbox"/> Sought <input checked="" type="checkbox"/> Issued <input type="checkbox"/> Denied <input type="checkbox"/> Cancelled <input type="checkbox"/> Suspended<br><input checked="" type="checkbox"/> Registration <input type="checkbox"/> Experimental Use Permit <input type="checkbox"/> No previous Permit Action                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                                 |
| Certification<br>I certify that the statements I have made on this form and all attachments thereto are true, accurate, and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.<br>Signature of Applicant or Authorized Representative<br><br>Martin Lemon<br>Title<br>Martin Lemon, Monsanto State Registration Manager<br>Telephone Number<br>314-694-7720<br>Date<br>July 12, 2012                                                                     |  | 11. Endangered Species Act: (Give details in item 13 or on a separate page, properly identified and attached to this form)<br>Identify the counties where this pesticide will be used. If Statewide, indicate "all." Provide a list of Federally protected endangered/threatened species which occur in the areas of proposed use.<br>12. Indicate use status of Special Local Need, i.e., planned dates of use:<br>From: July 2012 To: July 2014<br>13. Comments (attach additional sheet, if needed)<br>Request is a replacement for SLN SD-060006 which has expired.<br>Item 6(b)(6): To amend EPA registration to permit new timing of application (preharvest application) to flax.<br>Item 11: The Western Prairie Fringed Orchid is the only current federally protected endangered and/or threatened plant species in SD (USFWS South Dakota Listed Species by County List, April 17, 2012, USFWS). However, there are no known populations of this species in South Dakota (see attached list, USFWS, South Dakota Field Office).<br>Use is sought in all counties of South Dakota. |  |                                                                 |
| Determination by State Agency<br>This registration is for a Special Local Need and is being issued in accordance with section 24(c) of FIFRA, as amended. To the best of our knowledge, the information above is correct, except as noted in "Comments" below or in attachments.                                                                                                                                                                                                                                                                       |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |                                                                 |
| Name, Title, and Address of State Agency Official<br>Kevin Fridly, Director<br>SD Department of Agriculture<br>523 East Capitol Avenue<br>Title<br>Pierre, SD 57501<br>Telephone Number<br>605.773.4432<br>Date<br>July 31, 2012                                                                                                                                                                                                                                                                                                                       |  | Comments (by State Agency Only)<br><br>Expires July 31, 2014                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | Received by EPA                                                 |



# PROPOSED DRAFT

## SPECIAL LOCAL NEEDS REGISTRATION FOR SOUTH DAKOTA ONLY

READ THE ENTIRE LABEL FOR RT 3 POWERED BY ROUNDUP TECHNOLOGY HERBICIDE BEFORE PROCEEDING WITH THE USE DIRECTIONS CONTAINED IN THIS SUPPLEMENTAL LABELING.

When using RT 3 Powered by Roundup Technology Herbicide as permitted according to this supplemental labeling, read and follow all applicable directions, restrictions, and precautions on the label booklet provided with the pesticide container and on this supplemental labeling. This supplemental labeling must be in the possession of the user at the time of pesticide application.

## RT 3 Powered by Roundup Technology Herbicide

EPA Reg. No. 524-544

RT 3 is a registered trademark of Monsanto Technology LLC

### PREHARVEST APPLICATION IN FLAX IN THE STATE OF SOUTH DAKOTA

Keep out of reach of children

**CAUTION!**

In case of an emergency involving this product, call collect, day or night, 314-694-4000

#### DIRECTIONS FOR USE

It is a violation of Federal law to use this product in any manner inconsistent with its labeling.

This labeling must be in the possession of the user at the time of herbicide application.

AVOID CONTACT OF THIS HERBICIDE WITH FOLIAGE, GREEN STEMS, EXPOSED NON-WOODY ROOTS OR FRUIT OF CROPS, DESIRABLE PLANTS AND TREES, AS SEVERE INJURY OR DESTRUCTION COULD RESULT.

See the "GENERAL INFORMATION" and "MIXING" sections of the RT 3 Powered by Roundup Technology Herbicide label booklet for important product information.

USE INSTRUCTIONS: Up to 44 fluid ounces of this product may be applied in 3 to 20 gallons of water per acre over the top of flax to control weeds listed on the label for RT 3 Powered by Roundup Technology Herbicide prior to harvest when grain moisture is 30 percent or less. Approximately 80

percent of the seed should show a color change at this stage.

PRECAUTIONS: For best weed control, wait 7 and 14 days between application of this product and harvest.

RESTRICTIONS: Allow minimum of 7 days between application and harvest or grazing. Only one preharvest application may be made per year. Allow a minimum of 30 days between application of this product and the planting of any crop not listed on the RT 3 Powered by Roundup Technology Herbicide label.

Read the "Limit of Warranty and Liability" in the label booklet for RT 3 Herbicide before using. These terms apply to use directions. If these terms are not acceptable, return the product unopened at once.

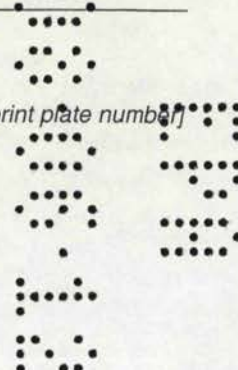
© 2012 MONSANTO COMPANY  
ST. LOUIS, MISSOURI 63167

SLN - xxxxxxx

This label expires on [INSERT DATE]

July 31, 2014

[print plate number]





## South Dakota Listed Species by County List (updated 17 April 2012)

The bald eagle was removed from the List of Endangered and Threatened Wildlife effective August 8, 2007. The protections provided to the bald eagle under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act have continued to remain in place after the species was delisted. National Bald Eagle Management Guidelines (<http://www.fws.gov/pacific/eagle/NationalBaldEagleManagementGuidelines.pdf>) have been developed. This rule change does not affect the bald eagle's status as a threatened or endangered species under State laws or suspend any other legal protections provided by State law.

E = Endangered

T = Threatened

C = Candidate

XN = Experimental/Non-essential Population

CH = Critical Habitat

PCH = Proposed Critical Habitat

| County    | Group        | Species                                      | Certainty of Occurrence | Status |
|-----------|--------------|----------------------------------------------|-------------------------|--------|
| Aurora    | Bird         | Crane, Whooping                              | Known                   | E      |
|           | Fish         | Shiner, Topeka                               | Known                   | E      |
| Beadle    | Bird         | Crane, Whooping                              | Known                   | E      |
|           | Fish         | Shiner, Topeka                               | Known                   | E      |
| Bennett   | Bird         | Crane, Whooping                              | Known                   | E      |
|           | Plant        | Orchid, Western Prairie Fringed <sup>1</sup> | Possible                | T      |
| Bon Homme | Bird         | Crane, Whooping                              | Possible                | E      |
|           | Bird         | Tern, Least                                  | Known                   | E      |
|           | Bird         | Plover, Piping                               | Known                   | T (CH) |
|           | Fish         | Shiner, Topeka                               | Known                   | E      |
|           | Fish         | Sturgeon, Pallid                             | Known                   | E      |
| Brookings | Fish         | Shiner, Topeka                               | Known                   | E      |
|           | Plant        | Orchid, Western Prairie Fringed <sup>1</sup> | Possible                | T      |
|           | Invertebrate | Dakota Skipper                               | Known                   | C      |
|           | Invertebrate | Poweshiek Skipperling <sup>8</sup>           | Known                   | C      |
| Brown     | Bird         | Curlew, Eskimo                               | Extremely Rare          | E      |
|           | Bird         | Crane, Whooping                              | Known                   | E      |
|           | Fish         | Shiner, Topeka                               | Known                   | E      |
|           | Invertebrate | Dakota Skipper                               | Known                   | C      |
| Brule     | Bird         | Crane, Whooping                              | Known                   | E      |
|           | Bird         | Tern, Least                                  | Known                   | E      |
|           | Bird         | Plover, Piping                               | Possible                | T      |
|           | Fish         | Sturgeon, Pallid                             | Known                   | E      |



| County      | Group        | Species                                      | Certainty of Occurrence        | Status |
|-------------|--------------|----------------------------------------------|--------------------------------|--------|
| Buffalo     | Bird         | Crane, Whooping                              | Known                          | E      |
|             | Bird         | Tern, Least                                  | Known                          | E      |
|             | Bird         | Plover, Piping                               | Possible                       | T      |
|             | Fish         | Sturgeon, Pallid                             | Known                          | E      |
| Butte       | Bird         | Crane, Whooping                              | Known                          | E      |
|             | Bird         | Greater Sage Grouse                          | Known                          | C      |
|             | Bird         | Sprague's Pipit                              | Possible<br>Breeding/Migration | C      |
| Campbell    | Bird         | Crane, Whooping                              | Known                          | E      |
|             | Bird         | Plover, Piping                               | Known                          | T (CH) |
|             | Bird         | Tern, Least                                  | Known                          | E      |
|             | Fish         | Sturgeon, Pallid                             | Possible                       | E      |
|             | Bird         | Sprague's Pipit                              | Possible Migration             | C      |
| Charles Mix | Bird         | Crane, Whooping                              | Known                          | E      |
|             | Bird         | Plover, Piping                               | Known                          | T (CH) |
|             | Bird         | Tern, Least                                  | Known                          | E      |
|             | Fish         | Sturgeon, Pallid                             | Possible                       | E      |
| Clark       | Bird         | Crane, Whooping                              | Known                          | E      |
|             | Fish         | Shiner, Topeka <sup>3</sup>                  | Possible                       | E      |
|             | Invertebrate | Poweshiek Skipperling <sup>8</sup>           | Known                          | C      |
| Clay        | Bird         | Plover, Piping                               | Known                          | T (CH) |
|             | Bird         | Tern, Least                                  | Known                          | E      |
|             | Fish         | Sturgeon, Pallid                             | Possible                       | E      |
|             | Fish         | Shiner, Topeka                               | Known                          | E      |
|             | Plant        | Orchid, Western Prairie Fringed <sup>1</sup> | Possible                       | T      |
|             | Mussel       | Mussel, Scaleshell <sup>6</sup>              | Historic                       | E      |
| Codington   | Bird         | Crane, Whooping                              | Known                          | E      |
|             | Fish         | Shiner, Topeka                               | Known                          | E      |
|             | Invertebrate | Dakota Skipper                               | Known                          | C      |
|             | Invertebrate | Poweshiek Skipperling <sup>8</sup>           | Known                          | C      |
| Corson      | Bird         | Crane, Whooping                              | Known                          | E      |
|             | Bird         | Plover, Piping                               | Known                          | T (CH) |
|             | Bird         | Tern, Least                                  | Known                          | E      |
|             | Mammal       | Ferret, Black-footed                         | Possible                       | E      |
|             | Fish         | Sturgeon, Pallid                             | Possible                       | E      |
|             | Bird         | Sprague's Pipit                              | Possible<br>Breeding/Migration | C      |
|             |              |                                              |                                |        |
| Custer      | Bird         | Crane, Whooping                              | Possible                       | E      |
|             | Mammal       | Ferret, Black-footed                         | Known                          | E      |
|             | Bird         | Sprague's Pipit                              | Possible Migration             | C      |



| County     | Group                                            | Species                                                                                                                                            | Certainty of Occurrence                                         | Status                           |
|------------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------|
| Davison    | Bird<br>Fish                                     | Crane, Whooping<br>Shiner, Topeka                                                                                                                  | Possible<br>Known                                               | E<br>E                           |
| Day        | Bird<br>Bird<br>Invertebrate<br>Invertebrate     | Crane, Whooping<br>Plover, Piping<br>Dakota Skipper<br>Poweshiek Skipperling <sup>8</sup>                                                          | Possible<br>Known<br>Known<br>Known                             | E<br>T<br>C<br>C                 |
| Deuel      | Fish<br>Invertebrate<br>Invertebrate             | Shiner, Topeka <sup>3</sup><br>Dakota Skipper<br>Poweshiek Skipperling <sup>8</sup>                                                                | Known<br>Known<br>Known                                         | E<br>C<br>C                      |
| Dewey      | Bird<br>Bird<br>Bird<br>Mammal<br>Fish<br>Bird   | Crane, Whooping<br>Plover, Piping<br>Tern, Least<br>Ferret, Black-footed <sup>4</sup><br>Sturgeon, Pallid<br>Sprague's Pipit                       | Known<br>Known<br>Known<br>Known<br>Known<br>Possible Migration | E<br>T (CH)<br>E<br>XN<br>E<br>C |
| Douglas    | Bird<br>Fish                                     | Crane, Whooping<br>Shiner, Topeka                                                                                                                  | Known<br>Possible                                               | E<br>E                           |
| Edmunds    | Bird<br>Invertebrate                             | Crane, Whooping<br>Dakota Skipper                                                                                                                  | Known<br>Known                                                  | E<br>C                           |
| Fall River | Bird<br>Bird                                     | Greater Sage Grouse<br>Sprague's Pipit                                                                                                             | Known<br>Possible Migration                                     | C<br>C                           |
| Faulk      | Bird                                             | Crane, Whooping                                                                                                                                    | Known                                                           | E                                |
| Grant      | Fish<br>Invertebrate<br>Invertebrate             | Shiner, Topeka <sup>3</sup><br>Dakota Skipper<br>Poweshiek Skipperling <sup>8</sup>                                                                | Possible<br>Known<br>Known                                      | E<br>C<br>C                      |
| Gregory    | Bird<br>Bird<br>Bird<br>Mammal<br>Fish<br>Insect | Crane, Whooping<br>Plover, Piping<br>Tern, Least<br>Ferret, Black-footed <sup>4</sup><br>Sturgeon, Pallid<br>Beetle, American Burying <sup>2</sup> | Known<br>Known<br>Known<br>Possible<br>Known<br>Known           | E<br>T (CH)<br>XN<br>E<br>E<br>E |
| Haakon     | Bird<br>Bird<br>Bird<br>Bird                     | Crane, Whooping<br>Plover, Piping<br>Tern, Least<br>Sprague's Pipit                                                                                | Known<br>Known<br>Known<br>Possible Migration                   | E<br>T<br>E<br>C                 |
| Hamlin     | Bird<br>Fish<br>Invertebrate<br>Invertebrate     | Crane, Whooping<br>Shiner, Topeka <sup>3</sup><br>Dakota Skipper<br>Poweshiek Skipperling <sup>8</sup>                                             | Possible<br>Known<br>Known<br>Known                             | E<br>E<br>C<br>C                 |



| County     | Group                        | Species                                                                                         | Certainty of Occurrence                             | Status                |
|------------|------------------------------|-------------------------------------------------------------------------------------------------|-----------------------------------------------------|-----------------------|
| Hand       | Bird<br>Fish                 | Crane, Whooping<br>Shiner, Topeka                                                               | Known<br>Known                                      | E<br>E                |
| Hanson     | Bird<br>Fish                 | Crane, Whooping<br>Shiner, Topeka                                                               | Possible<br>Known                                   | E<br>E                |
| Harding    | Bird<br>Bird<br>Bird         | Crane, Whooping<br>Greater Sage Grouse<br>Sprague's Pipit                                       | Possible<br>Known<br>Possible<br>Breeding/Migration | E<br>C<br>C           |
| Hughes     | Bird<br>Bird<br>Bird<br>Fish | Crane, Whooping<br>Plover, Piping<br>Tern, Least<br>Sturgeon, Pallid                            | Known<br>Known<br>Known<br>Known                    | E<br>T (CH)<br>E<br>E |
| Hutchinson | Bird<br>Fish<br>Plant        | Crane, Whooping<br>Shiner, Topeka<br>Orchid, Western Prairie Fringed <sup>1</sup>               | Possible<br>Known<br>Possible                       | E<br>E<br>T           |
| Hyde       | Bird<br>Bird<br>Bird<br>Fish | Crane, Whooping<br>Plover, Piping<br>Tern, Least<br>Sturgeon, Pallid                            | Known<br>Known<br>Known<br>Known                    | E<br>T<br>E<br>E      |
| Jackson    | Bird<br>Mammal<br>Bird       | Crane, Whooping<br>Ferret, Black-footed <sup>4</sup><br>Sprague's Pipit                         | Known<br>Possible<br>Possible Migration             | E<br>XN<br>C          |
| Jerauld    | Bird<br>Fish                 | Crane, Whooping<br>Shiner, Topeka <sup>3</sup>                                                  | Known<br>Possible                                   | E<br>E                |
| Jones      | Bird<br>Bird                 | Crane, Whooping<br>Sprague's Pipit                                                              | Known<br>Possible Migration                         | E<br>C                |
| Kingsbury  | Bird<br>Bird<br>Fish         | Crane, Whooping<br>Plover, Piping<br>Shiner, Topeka <sup>3</sup>                                | Known<br>Known<br>Possible                          | E<br>T<br>E           |
| Lake       | Fish<br>Plant                | Shiner, Topeka <sup>3</sup><br>Orchid, Western Prairie Fringed <sup>1</sup>                     | Possible<br>Possible                                | E<br>T                |
| Lawrence   | Bird<br>Bird                 | Crane, Whooping<br>Sprague's Pipit                                                              | Known<br>Possible Migration                         | E<br>C                |
| Lincoln    | Fish<br>Fish<br>Plant        | Sturgeon, Pallid <sup>7</sup><br>Shiner, Topeka<br>Orchid, Western Prairie Fringed <sup>1</sup> | Known<br>Known<br>Possible                          | E<br>E<br>T           |



| County     | Group        | Species                                      | Certainty of Occurrence     | Status |
|------------|--------------|----------------------------------------------|-----------------------------|--------|
| Lyman      | Bird         | Crane, Whooping                              | Known                       | E      |
|            | Bird         | Tern, Least                                  | Known                       | E      |
|            | Bird         | Plover, Piping                               | Possible                    | T      |
|            | Mammal       | Ferret, Black-footed                         | Known                       | E      |
|            | Fish         | Sturgeon, Pallid                             | Known                       | E      |
|            | Bird         | Sprague's Pipit                              | Possible Migration          | C      |
| Marshall   | Bird         | Crane, Whooping                              | Possible                    | E      |
|            | Invertebrate | Dakota Skipper                               | Known                       | C      |
|            | Invertebrate | Poweshiek Skipperling <sup>8</sup>           | Known                       | C      |
| McCook     | Bird         | Crane, Whooping                              | Possible                    | E      |
|            | Fish         | Shiner, Topeka                               | Known                       | E      |
|            | Plant        | Orchid, Western Prairie Fringed <sup>1</sup> | Possible                    | T      |
| McPherson  | Bird         | Crane, Whooping                              | Known Possible              | E      |
|            | Bird         | Sprague's Pipit                              | Breeding/Migration          | C      |
|            | Invertebrate | Dakota Skipper                               | Known                       | C      |
| Meade      | Bird         | Crane, Whooping                              | Known                       | E      |
|            | Bird         | Tern, Least                                  | Known                       | E      |
|            | Bird         | Sprague's Pipit                              | Possible Breeding/Migration | C      |
| Mellette   | Bird         | Crane, Whooping                              | Known                       | E      |
|            | Mammal       | Ferret, Black-footed <sup>4</sup>            | Possible                    | XN     |
| Miner      | Bird         | Crane, Whooping                              | Possible                    | E      |
|            | Fish         | Shiner, Topeka                               | Known                       | E      |
|            | Plant        | Orchid, Western Prairie Fringed <sup>1</sup> | Possible                    | T      |
| Minnehaha  | Fish         | Shiner, Topeka                               | Known                       | E      |
|            | Plant        | Orchid, Western Prairie Fringed <sup>1</sup> | Possible                    | T      |
| Moody      | Fish         | Shiner, Topeka                               | Known                       | E      |
|            | Plant        | Orchid, Western Prairie Fringed <sup>1</sup> | Possible                    | T      |
|            | Invertebrate | Dakota Skipper                               | Known                       | C      |
| Pennington | Bird         | Crane, Whooping                              | Known                       | E      |
|            | Bird         | Tern, Least                                  | Known                       | E      |
|            | Mammal       | Ferret, Black-footed <sup>4</sup>            | Known                       | XN     |
|            | Bird         | Sprague's Pipit                              | Possible Migration          | C      |
| Perkins    | Bird         | Crane, Whooping                              | Known Possible              | E      |
|            | Bird         | Sprague's Pipit                              | Breeding/Migration          | C      |
| Potter     | Bird         | Crane, Whooping                              | Known                       | E      |
|            | Bird         | Plover, Piping                               | Known                       | T (CH) |
|            | Bird         | Tern, Least                                  | Known                       | E      |
|            | Fish         | Sturgeon, Pallid                             | Known                       | E      |



| County   | Group        | Species                                      | Certainty of Occurrence | Status |
|----------|--------------|----------------------------------------------|-------------------------|--------|
| Roberts  | Plant        | Orchid, Western Prairie Fringed <sup>1</sup> | Possible                | T      |
|          | Invertebrate | Dakota Skipper                               | Known                   | C      |
|          | Invertebrate | Poweshiek Skipperling <sup>8</sup>           | Known                   | C      |
| Sanborn  | Bird         | Crane, Whooping                              | Possible                | E      |
|          | Fish         | Shiner, Topeka                               | Known                   | E      |
| Shannon  | Bird         | Crane, Whooping                              | Known                   | E      |
|          | Mammal       | Ferret, Black-footed <sup>4</sup>            | Possible                | XN     |
|          | Plant        | Orchid, Western Prairie Fringed <sup>1</sup> | Possible                | T      |
|          | Bird         | Sprague's Pipit                              | Possible Migration      | C      |
| Spink    | Bird         | Crane, Whooping                              | Known                   | E      |
|          | Fish         | Shiner, Topeka <sup>3</sup>                  | Possible                | E      |
| Stanley  | Bird         | Crane, Whooping                              | Known                   | E      |
|          | Bird         | Plover, Piping                               | Known                   | T (CH) |
|          | Bird         | Tern, Least                                  | Known                   | E      |
|          | Fish         | Sturgeon, Pallid                             | Known                   | E      |
|          | Bird         | Sprague's Pipit                              | Possible Migration      | C      |
| Sully    | Bird         | Crane, Whooping                              | Known                   | E      |
|          | Bird         | Plover, Piping                               | Known                   | T (CH) |
|          | Bird         | Tern, Least                                  | Known                   | E      |
|          | Fish         | Sturgeon, Pallid                             | Known                   | E      |
| Todd     | Bird         | Crane, Whooping                              | Possible                | E      |
|          | Mammal       | Ferret, Black-footed <sup>4</sup>            | Known                   | XN     |
|          | Plant        | Orchid, Western Prairie Fringed <sup>1</sup> | Possible                | T      |
|          | Insect       | Beetle, American Burying <sup>2</sup>        | Known                   | E      |
| Tripp    | Bird         | Crane, Whooping                              | Known                   | E      |
|          | Mammal       | Ferret, Black-footed <sup>4</sup>            | Possible                | XN     |
|          | Insect       | Beetle, American Burying <sup>2</sup>        | Known                   | E      |
| Turner   | Bird         | Crane, Whooping                              | Possible                | E      |
|          | Plant        | Orchid, Western Prairie Fringed <sup>1</sup> | Possible                | T      |
|          | Fish         | Shiner, Topeka                               | Known                   | E      |
| Union    | Bird         | Plover, Piping                               | Known                   | T      |
|          | Bird         | Tern, Least                                  | Known                   | E      |
|          | Fish         | Sturgeon, Pallid                             | Possible                | E      |
|          | Fish         | Shiner, Topeka                               | Known                   | E      |
|          | Plant        | Orchid, Western Prairie Fringed <sup>1</sup> | Possible                | T      |
|          | Mussel       | Mussel, Scaleshell <sup>6</sup>              | Historic                | E      |
| Walworth | Bird         | Crane, Whooping                              | Known                   | E      |
|          | Bird         | Plover, Piping                               | Known                   | T (CH) |
|          | Bird         | Tern, Least                                  | Known                   | E      |
|          | Fish         | Sturgeon, Pallid                             | Possible                | E      |



| County  | Group  | Species                                      | Certainty of Occurrence | Status |
|---------|--------|----------------------------------------------|-------------------------|--------|
| Yankton | Bird   | Curlew, Eskimo                               | Extremely Rare          | E      |
|         | Bird   | Plover, Piping                               | Known                   | T (CH) |
|         | Bird   | Tern, Least                                  | Known                   | E      |
|         | Fish   | Sturgeon, Pallid                             | Possible                | E      |
|         | Fish   | Shiner, Topeka <sup>3</sup>                  | Possible                | E      |
|         | Plant  | Orchid, Western Prairie Fringed <sup>1</sup> | Possible                | T      |
|         | Mussel | Mussel, Scaleshell <sup>6</sup>              | Historic                | E      |
|         | Mussel | Mussel, Higgins Eye <sup>5,6</sup>           | Possible                | E      |
| Ziebach | Bird   | Crane, Whooping                              | Known                   | E      |
|         | Bird   | Plover, Piping                               | Known                   | T (CH) |
|         | Bird   | Tern, Least                                  | Known                   | E      |
|         | Mammal | Ferret, Black-footed <sup>4</sup>            | Possible                | XN     |
|         | Bird   | Sprague's Pipit                              | Possible Migration      | C      |

### Notes

<sup>1</sup> The counties indicated for the Western Prairie Fringed Orchid are counties with potential habitat. Currently, there are no known populations of this species in South Dakota. Status surveys have been completed for the orchid in South Dakota. However, because of the ecology of this species, there is a possibility that plants may be overlooked.

<sup>2</sup> The American Burying Beetle is presently known for only Gregory, Todd and Tripp counties. One specimen was recently trapped in southern Bennett County. Historic specimens have been recorded from Haakon and Brookings Counties. A comprehensive status survey has never been completed for the American burying beetle in South Dakota. Until status surveys have been completed, the beetle could and may occur in any county with suitable habitat. Suitable habitat is considered to be any site with significant humus or topsoil suitable for burying carrion.

<sup>3</sup> Although Topeka Shiners have not been formally documented within Clark, Douglas, Grant, Jerauld, Kingsbury, Lake, Spink, or Yankton Counties, the species may still occur in these areas because they contain portions of known occupied Topeka Shiner streams and/or potentially occupied streams that exist within one or more of the three known inhabited watersheds in South Dakota: the James, Vermillion, and Big Sioux.

<sup>4</sup> Black-footed ferrets have been reintroduced in the Badlands National Park, Buffalo Gap National Grasslands, Cheyenne River Sioux Tribe Reservation, Lower Brule Sioux Reservation, Rosebud Sioux Reservation and Wind Cave National Park.

<sup>5</sup> A fresh dead shell of a Higgins Eye Mussel was found in the Missouri River below Gavins Point Dam on October 27, 2004.

<sup>6</sup> Shells of these species have been found, but no populations have been located.

<sup>7</sup> A pallid sturgeon was caught in Lincoln County from the Big Sioux River in May 2009.

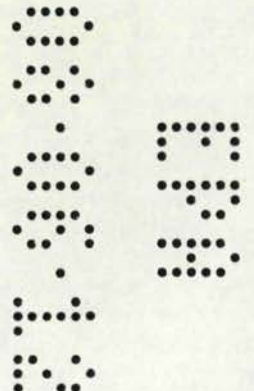
<sup>8</sup> This list includes counties where Poweshiek skipperling has been confirmed within the past 25 years (1986 or later). Due to the sharp declines in the last several years, the list may include counties in which the species no longer occurs. Nevertheless, we recommend that agencies contact the South



Dakota Ecological Services Field Office if undertaking or planning projects that may affect Poweshiek skipperling habitat in these counties.

**More specific information on these species can be found at our website at <http://www.fws.gov> or by calling our office for more information.**

Any corrections or additions to this list should be submitted to Scott Larson, U.S. Fish and Wildlife Service, South Dakota Field Office, Ecological Services, 420 South Garfield Avenue, Pierre, SD; Telephone (605)224-8693.







## SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

### DIVISION OF AGRICULTURAL SERVICES

523 East Capitol Avenue

Pierre, SD 57501

Phone: 605-773-3724 / Fax: 605-773-3481

[http://sdda.sd.gov/Ag\\_Services](http://sdda.sd.gov/Ag_Services)

July 31, 2012

RECEIVED

AUG 01 2012

Department of Agriculture  
Div. of Ag Services

Martin Lemon  
State Regulatory Affairs Manager  
Monsanto Company  
800 N. Lindbergh Blvd.  
St. Louis, MO 63167

Re: Special Local Need Registration SD120002, (RT3 Herbicide – Pre-Harvest Application on Flax)

Dear Mr. Lemon:

On July 31, 2012 the South Dakota Department of Agriculture approved your application for a Special Local Need (24c) registration of RT3 Herbicide for pre-harvest application on flax. This registration has been assigned the Special Local Need registration number SD120002. Enclosed is your approved application. Please submit your final, printed label to us within 45 days.

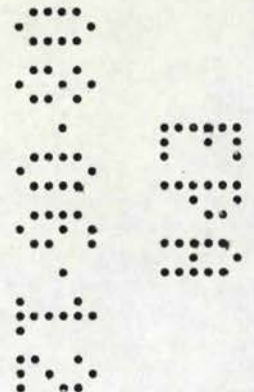
We are notifying the United States Environmental Protection Agency of this action by submission of a copy of this letter, your approved applications and draft labels.

If you have any questions, please contact me at (605) 773-4432.

Sincerely,

Brad D. Berven, Administrator  
Office of Agronomy Services

cc: US Environmental Protection Agency ✓







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

August 7, 2012

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

South Dakota Department of Agriculture  
Division of Agricultural Services  
523 East Capitol Avenue  
Pierre, SD 57501

ATTN: Kevin Fridley, Director

Dear State Agency:

The Office of Pesticide Programs acknowledges receipt of the Section 24(c) application/notification for SD120002.

The package is being forwarded to the Product Manager for review.

To ensure that the Agency receives proper notification of your 24(c) applications/notifications it is necessary to use the correct mailing address. All new 24(c) applications should be sent to the following:

Document Processing Desk (SLN)  
Office of Pesticide Programs -7504P  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

If you have any questions concerning the administrative screening of the package please contact the Front End Unit at (703)305-5780.

Sincerely,

*Barbara Purnell*

Front End Processing Staff  
Information Services Branch  
Information Technology & Resources Management Division